HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 2671 of 2001 (SS)
(Old No. 26526/1997)

Senior Post Master, Head Post Office, Dehradun
..... Petitioner

Versus

1. Presiding Officer, Central Government Industrial Tribunal cum Labour Court Pandu Nagar, Kanpur
2. Vipin Sharma son of sri Puran Nath Sharma resident of 286 Khurbura Mohalla, Dehradun

..... Respondents

Sri V.B.S. Negi, Advocate for the petitioner
Smt. Anjali Bhargava, Standing Counsel for the respondents.
Sri P.C. Jhingan, Advocate for respondent no. 2.

Dated: 7.8.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 25.4.1996 passed by the respondent no. 1.

Briefly stated on the dispute raised by the respondent no. 2 the Central Government, Ministry of Labour vide its notification dated 9.10.1990 has referred the dispute for adjudication to the Labour Court. The respondent no. 2 was appointed by the Head Post Master Dehradun on 21.7.1984 and he worked upto 14.4.1989. He has worked for more than 240

days in a calendar year preceding the date of his retrenchment. Therefore, his termination is bad in law because of non-compliance of Section 25 F of the Industrial Disputes Act. The question for determination before the Labour Court was that whether the termination of Sri Vipin Sharma son of Sri Puran Nath Sharma from service vide order dated 15.4.1989 by the Postal Department is justified? If not, to what relief if any, is the workman entitled?

The Industrial Tribunal has held that the workman has completed 240 days in a calendar year and his termination from the service was not justified in law. However, looking into the aforesaid picture the Tribunal was of the opinion that since the workman was engaged in the leave vacancy of Vinod Kumar Jain he is not entitled for reinstatement and as such a sum of Rs. 10,000/- was awarded in lieu of reinstatement. The Tribunal has further recorded a finding that the workman has no legal right to continue and to claim reinstatement. As the Tribunal has awarded only compensation to the workman and no order for reinstatement was passed, I find no reason to interfere in the order passed by the Tribunal. The writ petition lacks merits and deserves to be dismissed.

Accordingly, writ petition is dismissed.

No order as to costs.

Dated: 7.8.2006 **Rajesh Tandon, J.**

*Dhyani